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09/162,735	09/29/1998	RICK GESSNER	013.0072	9190

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/162,735
Filing Date: September 29, 1998
Appellant(s): GESSNER, RICK

Erik B. Cherdak
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/17/2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(4) *Status of Amendments*

The Appellant's statement of the status of amendments contained in the brief is correct.

(5) *Summary of the Invention*

The summary of invention contained in the brief is deficient because in it the Appellant explains that the claimed invention incorporates "novel document type definition components during runtime ("on the fly"), to deliver a new and improved network client that is extensible, robust, and capable of processing documents formatted based on grammars that are otherwise not known a priori to runtime", and "allows dynamic replacement of document type definition components" (page 5, lines 9-12, and 16-18). In this instance, the Appellant equates the invention as disclosed in the specification, with the claimed invention. The claimed invention as described in the claims are not the same as the invention described in the specification supporting those claims, as the Appellant is implying above. The claimed invention does not mention the highlighted portion of the quote above.

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Further, it is noted that the features upon which appellant relies, as highlighted above, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(6) Issues

The Appellant's statement of the issues contained in the brief are correct.

(7) Grouping of the Claims

The following groups of claims stand or fall together: (1-6), and (7-21).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Pat. # 6,253,204, Glass (6/26/01, filed on 12/17/97).

Pat. # 6,061,697, Nakao (5/9/00, filed on 8/25/97).

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

- A. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- B. Claims 1-6 remain rejected under 35 U.S.C. 102(e) as being anticipated by Glass et al, hereinafter Glass (Pat. # 6,253,204, 6/26/01, filed on 12/17/97).

Regarding independent claim 1, Glass teaches a browser for retrieving and scanning an HTML document, representing a document and its layout, over the Internet. The browser identifies whether or not a link is accessible or not--*parsing component coupled to said scanner component for parsing said renderable content, said renderable content containing both malformed and well-formed expressions* (col. 1, lines 36-60, and col. 6, lines 18-42).

Furthermore, Glass teaches the transformation or replacement of a broken link markup language-- *replaceable document type definition component*-- with a attribute markup language representing the accessible status of the link-- *a replaceable document type definition component....to transform said renderable content into well-formed objects to be processed by a*

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content model — the fixed link code allows the link to be displayed on the web page (col. 1, lines 45-60, and col. 6, lines 12-42).

Claims 2-6 are directed towards a client for carrying out the client of claim 1, and are similarly rejected.

Claim Rejections - 35 USC § 103

C. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

D. Claims 7-21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Glass, in view of Nakao (Pat. # 6,061,697, 5/9/00, filed on 8/25/97).

Regarding independent claim 7, Glass teaches a browser for retrieving and scanning an HTML document, which as was well known in the art have DTDs that are replaceable to accommodate new features, e.g., tags, etc—*layout document type definition*-- over the Internet. The browser identifies whether or not a link is accessible or not-- *accessing an input stream via a network connection* (col. 1, lines 36-60, and col. 6, lines 18-42). Glass fails to explicitly teach *receiving a replaceable layout document type definition*. Nakao teaches replacing of an original DTD with a partial or modified DTD by adding declarations to the original DTD (col.10,L.50-67, and col. 11,L.1-67). It would have been obvious to one of ordinary skill in the art at the time

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of the invention to have combined the teachings of Glass, and Nakao, because Nakao teaches the editing of DTDs to aid the editing of documents in a collaborative environment (col.5,L.1-44).

Moreover, Glass teaches the parsing and modification of a HTML document, to replace a broken link with an attribute representing the accessible status of the link, and the display or manifestation of the fixed HTML document--*well formed document model*—on the browser--*parsing said renderable content...to generate a well-formed content model, and manifesting said content model within a data processing environment*— (col. 1, lines 45-60, and col. 6, lines 12-42).

Claims 8, 10-11 are directed towards a method for carrying out the client of claims 2, 2, 2, and 2 respectively, and are similarly rejected.

Regarding independent claim 9, which depends on claim 7, Glass teaches a browser for retrieving and scanning an HTML document, which as was well known in the art have DTD that are replaceable to accommodate new features, e.g., tags, etc—*layout document type definition*--over the Internet. The browser identifies whether or not a link is accessible or not-- *accessing an input stream via a network connection* (col. 1, lines 36-60, and col. 6, lines 18-42). Glass fails to explicitly teach *a definition for XML documents*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have performed the above limitation, because Glass teaches above the fixing of broken links in a markup language document, which would benefit the representation of XML documents .

Claim 12 is directed towards a client for carrying out the client of claim 1, and are

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similarly rejected.

Claim 13 is directed towards a method for implementing the client and method found in claims 1, and 7, and is similarly rejected.

Claims 14-18 are directed towards a method for carrying out the client of claims 2, 2, 2, and 2 respectively, and are similarly rejected.

Claims 19-21 are directed towards a client for carrying out the client of claims 2, 2, and 2 respectively, and are similarly rejected.

(11) Response to Argument

In response to appellant's argument that Glass does not disclose the replaceable document type definition component (page 9, lines 10-18). The examiner is in disagreement with this argument, because Glass teaches the modification, and replacement of broken HTML document link tags—*document type definition components*—with new code—tags-- showing a change in link color or for displaying an icon which indicate that a link is broken (col.1, lines 36-60, col. 5, lines 45-62, and col.6, lines 34-36). As defined by the "Exhibit 2" of the Appellant's brief, a DTD is a file, which describes how tags should be used in presenting a document (lines 4-6). In other words, tags are components, which are part of the document type definition, in the sense that the DTD specifies how these tags are to be interpreted in a document which conforms to this DTD. Glass is disclosing above, that these components or tags are replaced with different

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tags components, when a tag indicating the presence of a broken link is found; thereby making the link tags *replaceable document type definition components*.

Moreover, the appellant submits that the replacement of the document type definition component would cause a crash in Glass's invention (col.9, lines 19-22). It is clear from the explanation of Glass's invention above, that it would not, and does not crash when the broken link tags are replaced with tags indicating that the link is broken, and indicating that there is something wrong with these tags.

Further, the terms *well-formed*, and *mal-formed* are not specific enough as recited in the claims. Therefore, the examiner's interpretation of these terms is as follows. A *well-formed* component is a component which works the way it was intended to by the rules of the markup language, which in this case is HTML. On the other hand, a *mal-formed* component is one, which does not function in accordance to the rules of the markup language—HTML.

In response to appellant's arguments that the examiner made an improper official notice statement (page 12, lines 12-20), it is noted that this is a new issue which the appellant did not raise previously before the prosecution of this case, in response to the office action mailed on 11/6/01 (paper no. 12, page 4), was closed.

Moreover, since the appellant did not traverse the examiner's assertion of facts well known in the art, appellant's arguments are considered conceded.

Further, regarding appellant's traversal of the office action (paper no. 12, page 4), and arguments that there is no motivation to combine Glass, and Nakao (appeal brief items A-C) are considered conceded, because these arguments were not presented previously before prosecution was closed. In response to the office action (paper 12) containing the rejection of claims 7 and 13 (not previously questioned, but now being traversed by the appellant), here is a summary of the appellant's arguments: "The Examiner's interpretation could not be farther from the teaching of Glass et al—correction of broken links—period. Glass et al. does not teach nothing of preparing a 'fixed HTML document'. Glass et al is not concerned with rendering content, but instead with LOCATING content to be displayed" (amendment filed on 5/7/02). In these arguments, we find no questioning of the official notice, combination, motivation to combine Glass, and Nakao, and the expectation of success arguments. Therefore, arguments found in sections A-C are considered conceded

Nevertheless, concerning claims 7, and 13, Glass teaches a browser of a markup language document, such as HTML, for retrieving and scanning the markup or HTML document, which as was well known in the art to have DTDs that are replaceable to accommodate new features (as witnessed by Nakao col.10, lines 64-67), e.g., tags, etc—*layout document type definition--* over the Internet. The browser identifies whether or not a link is accessible or not-- *accessing an input stream via a network connection* (col. 1, lines 36-60, and col. 6, lines 18-42). Glass fails to explicitly teach *receiving a replaceable layout document type definition*. Nakao teaches reception, and replacement of an original DTD with a partial or modified DTD by adding

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declarations to the original DTD (col.10,L.50-67, fig. 1, col. 7, lines 14-34,and col. 11,lines 1-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Glass, and Nakao, and receive the replaceable DTD, because Nakao teaches the editing of DTDs to aid the editing of documents in a collaborative environment (col.5, lines 1-44), thereby providing the benefit of increasing the efficiency, and reducing the cost involved in creating a markup language document—SGML-- (the documents contain hypertextual links (col.9, lines 20-22), which as disclosed by Glass above can break down, and need fixing), and saving time and effort to authors involved in the verification of markup language web pages as taught by Glass (col.1, lines 24-60).

Conclusion

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,



Cesar B. Paula

October, 30 2003

**STEPHEN S. HONG
PRIMARY EXAMINER**

Joseph Feild

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